

REMARKS

Applicant has carefully reviewed the Examiner's September 24, 2004, Official Action and respectfully requests reconsideration based on the above amendments and the following comments.

New claims 13-18 have been added. Claims 1-5 and 7-18 remain in the application for consideration.

Enclosed herewith is Applicant's understanding of the September 20, 2004 interview resulting in withdrawal of the finality of Examiner Pezzlo's June 1, 2004 Office Action in accordance with MPEP 713.04.

In response to the examiner's objection to claim 8, Applicant has amended claim 8 to eliminate each of the problems identified by the Examiner. Applicant respectfully submits that this rejection has now been overcome.

The Examiner has further rejected claims 1-5 and 7 under 35 U.S.C. §112, second paragraph under 35 U.S.C. §102(b) as being anticipated by Avner '444, and claims 8-12 under 35 U.S.C. §103(a) as being unpatentable over Avner in view of either Jacobsen '060 or Gillingham '444. Applicant respectfully traverses these rejections especially as applied to independent claims 1 and 8 as amended and new claims 13-18.

Applicant has amended independent claim 1 and 8 to better define helical spring (1) and (8) as a spring which has a pre-load which is enlarged or increased on elongating the spring and decreased on contraction of the spring. New independent claim 13 is also directed to better defining helical spring (1). The operation of spring (1) as set out in new claim 13 is clearly supported by the last paragraph on page 4 of the specification.

In addition, Applicant has clarified that piston rod (8) of the damper and the actuating tappet (11) are separate elements, and that during movement of tappet (11) along the no-load range b, the tappet is not in contact with the piston rod (8) but is in contact during the movement along the damping range a.

The basis for the term "pre-load" in claims 1 and 8 which Applicant submits is not taught by the cited prior art is found at least on page 4, lines 23-25. Pre-loading spring 9 so that it tends to contract prior to its installation in a vehicle is undertaken so that, on further extension of the spring, the spring forces the spring strut to contract. Such a pre-load is made to ensure, that even on the last millimeters before reaching the position of rest the spring strut has as much contracting force as is necessary for the intended use.

The position of rest prior to installation in a vehicle may be seen from Fig. 1. In this position the spring is pre-load. The extended position is shown in Fig. 3. In addition, the Examiner's attention is directed to Figs. 4 and 5. Fig. 5 shows the closed trunk lid 24. In an installed position the spring strut is extended according to Fig. 3. When opening the trunk lid 24 according to Fig. 4, the spring strut will support the opening of the trunk lid by the tension force of the contracting spring strut into a position according to Fig. 1. The end of the opening movement of the trunk lid will be damped, because the actuating tappet 11 will touch the piston rod 8 and push that piston rod 8 with said piston 7 into the damper 4.

In comparison, Avner does not show an extension of spring strut as claimed but a hydraulic damper or suspension unit used for cars. The helical spring is a compression spring, the pre-load of which is increased on compressing the spring and is decreased on enlarging the spring. The hydraulic damper has a piston rod which is connected with one end of the spring and which is in action over the whole possible movement of the damper. Accordingly, there is no movement of the helical spring which is not accompanied by a movement of the piston rod 33.

Applicant further does not agree that the upper part of Fig. 2 of Avner is a damper which is comparable to the damper claims 1 and 8 as suggested by the Examiner. As may be seen from column 2, line 45 to column 3, line 25 of Avner the upper part of Fig. 2 of Avner is a reservoir 55 with a special valve in the middle part.

"If the vehicle loading is increased the unit is contracted and further liquid is drawn from the reservoir 55 and pumped into the cylinder 31 until the unit has been extended again to bring the body of the vehicle up to a predetermined level" (column 3, lines 21 to 25 of Avner).

Applicant respectfully submits that Avner does not disclose the features or the function which is achieved by the features of claims 1, 8 or 13.

Further, Gillingham discloses a conventional shock absorber for cars which is surrounded by a helical compression spring, the compressor pre-load of which may be increased or decreased by an abutment which is screwed on the housing of the damper. This is not the same as claimed in claim 8. The purpose of the features of claim 8 refers to the adjustment of the spring strut and especially to the adjustment of the pre-load of the helical spring when installed. Accordingly, the pre-load of the helical spring may be adjusted by turning the

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strut in its mounted state, i.e. without turning elements 19 and 20. Jacobsen functions in a manner similar to Gillingham.

Applicant submits that the invention is new and unobvious and not disclosed by the cited art. Accordingly, Applicant respectfully solicits the Examiner's early review and issuance of this application.

Respectfully submitted,

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By

A handwritten signature in black ink, appearing to read "N-JL", written over a horizontal line.

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